

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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|----------------------------------|---|-----------------------|
| IN RE: YASMIN AND YAZ |) | 3:09-md-02100-DRH-PMF |
| (DROSPIRENONE) MARKETING, SALES |) | |
| PRACTICES AND PRODUCTS LIABILITY |) | MDL No. 2100 |
| LITIGATION |) | |

This Document Relates to:

Heather Bishop, et al. v. No. 3:11-cv-10942-DRH-PMF
*Bayer HealthCare Pharmaceuticals, Inc., et al.*¹

Charlie Sue Goshay, et al. v. No. 3:11-cv-12563-DRH-PMF
*Bayer HealthCare Pharmaceuticals, Inc., et al.*²

Kimberly Oslin, et al. v. No. 3:11-cv-12580-DRH-PMF
*Bayer HealthCare Pharmaceuticals, Inc., et al.*³

ORDER DISMISSING WITH PREJUDICE

This matter is before the Court on the defendant's, Bayer HealthCare Pharmaceuticals Inc., motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.⁴

¹ This order applies only to plaintiff Heather Bishop.

² This order applies only to plaintiff Victoria Denton.

³ This order applies only to plaintiff Kimberly Oslin.

⁴ The motion to dismiss filed by Bayer HealthCare Pharmaceuticals Inc. on March 27, 2013 sought dismissal of certain plaintiffs in numerous member actions. This order addresses the multi-plaintiff actions where no responsive pleading was filed.

On April 25, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations.⁵ The Court granted the motion on June 5, 2012.⁶

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, “pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants' motion.**”⁷

On March 27, 2013, more than 60 days after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating that the specified plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the dismissals to dismissals with prejudice pursuant to Section E of CMO 12,

The plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal of their claims.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The specified plaintiffs, in the above captioned actions, have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to

⁵ Bishop, et al. D.E. 9; Goshay, et al. D.E. 7; Oslin, et al. D.E. 8.

⁶ Bishop, et al. D.E. 10; Goshay, et al. D.E. 8; Oslin, et al. D.E. 9.

⁷ Bishop, et al. D.E. 10; Goshay, et al. D.E. 8; Oslin, et al. D.E. 9.

comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **the claims of the specified plaintiffs in the above captioned actions are hereby dismissed WITH prejudice.**

Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the above captioned cases.

SO ORDERED:


Digitally signed by
David R. Herndon
Date: 2013.06.12
14:52:30 -05'00'

Chief Judge
United States District Court

Date: June 12, 2013